

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAL BURNS,

No. C 07-00122 SI

Plaintiff,

**ORDER DENYING PLAINTIFF'S  
MOTION FOR LEAVE TO FILE A  
MOTION FOR RECONSIDERATION**

v.

UNUM LIFE INSURANCE COMPANY OF  
AMERICA,

Defendant.

On June 19, 2007, the Court issued an order denying plaintiff Dal Burns' motion for summary judgment on his declaratory relief claim. Plaintiff has now filed a motion for leave to file a motion for reconsideration of that Order. Pursuant to Civil Local Rule 7-9, the Court hereby DENIES plaintiff's motion for leave. The Court fully considered and rejected all of the arguments put forward by plaintiff in the underlying motion, and plaintiff raises no new facts or law here.<sup>1</sup> [Docket No. 45]

**IT IS SO ORDERED.**

Dated: June 22, 2007



SUSAN ILLSTON  
United States District Judge

<sup>1</sup>Plaintiff argues in his motion for leave that the Court's Order leaves defendant "presumably free to contact Plaintiff's providers, and speak with them outside the presence of Plaintiff's counsel." Mot. at 3:17-19. The Court finds nothing in its Order which could be construed as allowing such conduct. The Court did not decide the dispute either way, because defense counsel represented that defendant would not contact plaintiff's providers except through plaintiff's counsel until leave of Court was obtained: "Unum likely will ask the Court in this matter to address this issue. However, until the Court addresses this issue, Unum will only deal with your office concerning Mr. Burns' claim." Under these circumstances, there is no live case or controversy to decide.